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will positively be charged.

[OFFICIAL COPY.] PROPOSED NEW CONSTITUTION

FOR THE

STATE OF WEST VIRGINIA, Election on the Question of its Adoption, on the Fourth Thursday in August, 1872.

9. In case of a vacancy, during the recess of the Senate, in any office which is not elec-'tive, the Governor shall, by appointment, fill such vacancy, until the next meeting of the Senate, when he shall make a nomination for such office, and the person so nominated, when confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays). shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office during the same session; unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.

move any officer whom he may appoint, in sease of incompetency, neglect of duty, gross immorality, or malfeasance in office; and ho mayadeclare his office vacant, and fill the same, as herein provided in other cases of vacancy. 11. The Governor shall have power to remit fines and penalties, in such cases, and under such regulations, as may be prescribed by law ; to commute capital punishment, and, except where the proscention has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; but he shall communicate to the Legislature, at each session, the particulars of every case of fine or penalty remitted, of punishment com-

10. The Governor shall have power to re-

his reasons therefor. 12. The Governor shall be commander-inchief of the military forces of the State, (except when they shall be called into the service of the United States,) and may call out the same to execute the laws, suppress insurrection and repel invasion.

muted, and of reprieve or pardon granted, with

13. When any State officer has executed his official bond, the Governor shall, for such causes, and in such manner as the Legislature may direct, require of such officer reasonable additional security; and if the security is not given as required, his office shall be declared vacant, in such manner as may be provided by law. 14. Every bill passed by the Legislature

shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. alter such reconsideration, a majority of the members elected to that House agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the members elected to that House, it shall become a law, now thstanding the objections of the Governor. But in all such cases the vote of each house shall be determined by year and mays, to be entered (Sandays executed) after it shall have been presented to him shall be a law, in like man- consideration of the Court of Appeals. ner as if he had signed it, unless the Lewis lature shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within five days after such adjournment or become a law.

·15 Every bill passed by the Legislature making appropriations of money, embracing distinct items, shall, before it becomes a law be presented to the Governor; if he disapprove the bill, or any item or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the House in which the bill originated; but all items not disapproved shall have the force and offect of law, according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a majority of each House, according to the rules and limitations prescribed in the preceding section in reference to other bills.

16. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upou the Speaker of the House of Delegates; and in all other cases, where there is no one to act as Governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of Governor, before the first three years of the term shall have expired, a new election for Governor shall take place to

17. If the office of Auditor, Treasurer, State Superintendent of Free Schools, or Attorney General, shall become vacant by death, resignation or otherwise, it shall be the duty of the Governor, to fill the same by appointment, and the appointee shall hold his office. until his successor shall be elected and qualified. in such manner as may be provided by law.

The subordinate officers of the Executive Department, and the officers of all public institutions of the State, shall keep an account of all moneys received or disbursed by them respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the Governor, under oath or affirmation, and any officer who shall wilfully make a false report, shall be deemed guilty of

perjury.
18. The subordinate officers of the Executive Department, and the officers of all the public institutions of the State, shall, at least ten days preceding each regular session of the Legislature, severally, report to the Governor, who shall transmit such report to the Legislature, and the Governor may at any time require information in writing, under oath, from the officers of his department, and all officers and managers of State institutions, upon any. subject relating to the condition, management

and expenses of their respective offices. 19. The Governor shall receive for his services a salary of twenty-seven hundred dollars per annum, and no additional emolument, allowance, or perquisite, shall be paid or made to him, on any account. Any person, acting as Governor, shall receive the emoluments of that office





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teen hundred; the Auditor, two thousand; and the Attorney General, thirteen hundred dollars per annum; and no additional emolument or allowance, except as herein otherwise provided, shall be paid or made out of the executive officers, on any account.

ARTICLE VIII.

JUDICIARY DEPARTMENT. 1. The judicial power shall be vested in a Supreme Court of Appeals and in Circuit Courts, and the Judges thereof; in County and Corporation Courts, and in Justices of

SUPREME COURT OF APPEALS.

2. The Supreme Court of Appeals shall consist of four judges, any three of whom shall be a quorum. They shall be elected by the voters of the State, and shall hold their office for the term of twelve years, unless sooner removed, in the manner prescribed by this Constitution, except that of those first elected, two to be designated by let, in such manner as they may determine, and in the presence of the Governor, shall hold their offices for four years; athird, to be designated in like manner, for eight years, and the fourth, for twelve years; so that one or more shall be elected every four years. . .

3. It shall have original jurisdiction in cases of habeas corpus, mandamus and prohibition. It shall have appellate jurisdiction in civil cases, where the matter in controversy, exclusive of costs, is of greater value, or amount than one hundred dollars; in controversies concerning the title of boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation, or county to levy tolls or taxes; and, also, in case of quo war ranto, habeus corpus, mandamus and prohibition, and in cases involving freedom or the constitutionality of a law. It shall have appelate jurisdiction, in criminal cases, where there has been a conviction for felony or misdemennor, in a Circuit Court, and where a conviction has been had in any inferior court, and been affirmed in a Circuit Court.

4. No decision rendered by the Supreme Court of Appeals, shall be cosidered as binding authority upon any of the inferior courts of this State, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.

5. When a judgment or decree is reversed. or affirmed, by the Supreme Court of Appeals. every point fairly arising upon the record of the case, shall be considered, and decided ; and the reasons therefor shall be concisely stated in writing, and preserved with the record of the case; and it shall be the duty of the court to prepare a syllabus of the points adjudicated in each case concurred in by three of the judges thereof, which shall be prefixed to the published report of the case.

6 A writ of error, supersedeas, or appeal shall be allowed only by the Supreme Court of Appeals, or a Judge thereof, or by a Judge of a Circuit Court upon a petition, assigning error in the judgment, or proceedings of the inferior court, and then only after the said Court or Judge shall have examined and on the journal. Any bill which shall not be considered the record and assignment of er-returned by the Governor within five days rors, and is satisfied that there is error in the same, or that it presents a point proper for the

from any cause, the Governor shall issue a writ of election, to fill such vacancy for the residue of the term: Provided, That if the unexpired term, beliess than two years, the Governor shall appoint a judge to fill such

S. The officers of the Supreme Court of Appeals, except the Reporter, shall be appointed by the Court, or, in vacation, by the Judges thereof, with the power of removal; their duties and compensation shall be pre-

scribed by law. D. There shall be at least two terms of the Court of Appeals held annually, at such times and places, as may be prescribed by law.

CIRCUIT COURTS. 10. The State shall be divided into nine circuits; for each circuit a Judge shall be elected by the voters thereof, who shall hold his office for the term of eight years, unless sooner removed, in the manner prescribed by this Constitution. During his continuance in office, he shall reside in the circuit of which he is the Judge.

11. A Circuit Court shall be held in every county, twice a year. But provision may be made by law for special terms; and a judge of any circuit may hold the Court in another

12. The Circuit Courts shall have the supervision of all proceedings, before the County Courts and other inferior tribunals, by mandamus, prohibition or vertiorari. They shall, except in cases confided by this Constitution exclusively to some other tribunal, have original, and general jurisdiction of all matters at law, where the amount in controversy, exclusive of interest, exceeds fifty dollars; in cases of quo warranto, habeas corpus, mandamus, or prohibition; and in all cases of equity, and of all felonies and misdemeanors. They shall have appellate jurisdiction, upon petition and assignment of error, in all cases of judgments, decrees, and final orders, rendered by the County Court, and such other inferior courts of record as may be hereafter established by law, under the provisions of this article, where the matter in controversy, exclusive of costs is of greater value or amount, that twenty dollars; in controversies respecting the title or boundaries of land; the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing, or the right of a corporation or county to levy tolls or taxes; and also in cases of habeas corpus. quo warranto, mandamus, prohibition and certiorari, and in cases involving freedom or the constitutionality of a law; and in all cases of conviction, under criminal prosecutions in said court. It shall have such other original jurisdiction as may by prescribed by law.

13. The Legislature may authorize, by general law, any indictment for a misdemeanor found by the grand jury of any Circuit Court, to be certified by said Court, to the County Court of the county in which the indictment shall be found, for further proceedings to be had thereon, in such manner, and under such regulations as may be prescribed by law.

14. The State shall be arranged into the tents of that office.

The Secretary of State shall receive one Brooke, Ohio and Marshall shall constitute thousand; the State Superintendent of Free the first circuit; the counties of Wetzel, Schools, fifteen hundred; the Treasurer, four- Marion, Monongalia, Taylor, Doddridge and

ferson, Berkeley and Morgan, the third; the Treasury of the State to any of the foregoing and Calhoun the fifth; the counties of Randolph, Tucker, Barbour, Lewis, Webster. Gilmer, Preston and Upshur the sixth; the counties of Jackson, Roane, Putnam, Kanawha and Mason the seventh; the counties of Greenbrier, Monroe, Fayette, Summers, Clay, Nicholas, Pochahontas and Braxton the eighth; and the counties of Cabell, Wayne, Lincoln, Boone, Logan, Wyoming, Mercer, Raleigh

and McDowell the ninth 15. The Legislature may, after the expiration of five years from the time this constitution goes into operation, re-arrange the circuits, but the number of circuits shall not then be increased; and no re-arrangement of the circuits shall have the effect of removing a Judge from office. After the census of 1880, it may increase the number of circuits. so as not to exceed one circuit for every fifty-

five thousand inhabitants of the State. 16. The Legislature shall provide by law for holding Circuit Courts where, from any cause, the Judge shall fail to attend, or, if in attendance, cannot properly preside.

GENERAL PROVISIONS.

17. All Judges shall be commissioned by the Governor. The salary of the Judges of the Court of Appeals shall be twenty-two hundred and fifty dollars per annum, and that of the Judges of the Circuit Court shall be two thousand dollars; and each shall receive the same allowance for necessary travel, as members of the Legislature. No Judge, during his term of office, shall practice the profession of law, or hold any other office, appointment, or public trust, under this or any other government, and the acceptance thereof shall vacate his judicial office; nor shall he, during his continuance therein, be eligible to any political office.

18. Judges may be removed from office by a concurrent vote of both flouses of the Legislature, where from age, disease or mental or bodily infirmity, they are incapable of discharging the duties of their offices. But two-thirds of the members elected to each House must concur in such vote; and the cause of removal shall be entered upon the journals of each House. The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which either House of the Legislature shall act

19. The voters of each county shall elect a Clerk of the Circuit Court, whose term of office shall be six years; his duties and compensation, and the mode of removing him from office, shall be prescribed by law; and when a vacancy shall occur in the office, the Judge of the Circuit Court shall appoint a Clerk, who shall discharge the duties of the office, until the vacancy shall be filled by election. In any case in respect to which the Clerk shall be so situated as to make it im-

20. The Clerks of the Circuit Courts, and the Clerk of the Supreme Court of Appeals, shall, under such regulations as may be prescribed by law, make an annual report to the Auditor, exhibiting the number of suits commenced, pending and decided in their respective courts, and the number of days the courts were in session during the year, which shall be condensed by said Auditor and made a part of his annual report to the Legislature.

21. Wherever the Legislature is expressly prohibited, by this Constitution, from doing any particular net, and the same shall be done, in violation of such prohibition, it shall be the duty the courts, upon a proper case presented before them, to declare such act null and void.

22. The Legislature may establish courts of limited jurisdiction within any incorporated town or city, subject to such appeal as now is, or may hereafter be, prescribed by

COUNTY COURTS.

23. There shall be in each county of the State, a County Court, which shall be composed of a President and two Justices of the Peace, except when, by this Constitution, the presence of a greater number is required .-It shall hold six sessions during the year, at times to be prescribed by law; two of which shall be limited to matters connected with the police and fiscal affairs of the county; the other four shall be held for the trial of causes, and for the transaction of all other business within the general jurisdiction of the court, except an assessment or levy upon the property of the county. In all cases where a levy of the county is laid, a majority of all the Justices elected in the county shall be necessary to constitute a quorum for the

transaction of that business. 24. The President of the Court shall be elected by the voters of the county, and shall hold his office for the term of four years. It shall be his duty to attend each term of the said Court, and he shall receive for such service four dollars for every day he presides in Court, to be paid from the county treasury. He shall also perform such other duties, and receive such compensation therefor, as may be prescribed by law, except that he shall not be authorized to try causes out of Court. When from any cause he is unable to attend as President of the Court, any Justice may be added to make the court, who, in conjunction with the other two, may designate one of their own number to preside in his ab-

25. Each county shall be laid off into districts, not less in number than three, nor Peace, who shall reside in their respective districts, and hold their office for the term of four years. The present sub-divisions of the counties by townships shall constitute such districts until changed by a court constituted of a majority of the Justices of the county.

26. The Justices of the Peace shall be classified by law, for the performance of their duties in court; they shall receive a compensation of three dollars per day, for their services in court, to be paid out of the county treasury, and they may receive fees for other official duties, to be prescribed by law, and paid by the parties for whom the serviceshall be rendered.

27. The County Court shall have original jurisdiction in all actions at law, where the amount in controversy exceeds twenty dol-

Harrison, the second; the counties of Jef- | quo warranto, mandamus, prohibition, and certiorari, and in all suits in equity. It shall counties of Hampshire, Mineral, Grant. have jurisdiction in all matters of probate, Hardy and Pendleton, the fourth; the counties appointment and qualification of personal the appointment and qualification of personal ties of Tyler, Pleasant, Ritchie, Wood, Wirt | representatives, guardians, committees and curators, and the settlement of their accounts. and in all matters relating to apprentices, and of all criminal cases under the grade of felony, except as hereinbefore provided. But the jurisdiction of the County Court shall be subject to such limitations as may be prescribed by law. They shall have the custody, through their clerks, of all wills, deeds and other papers presented for probate or record in said county, which shall be disposed of or preserved as required by law.

28. It shall also have the superintendence and administration of the internal police and fiscal affairs of the county, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies: Provided, That no license shall be granted in any city, town or village, without the consent of the authorities of the same first had and obtained. It shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers ; and it shall exercise such other jurisdiction, and perform such other duties, as may be prescribed by law. Nothing in this article shall impair or affect the

charter of any municipal corporation. 29. The county court shall have jurisdiction of all appeals from the judgment of the justices, and their decision, upon such appeal, shall be final in all cases, except such as . involve the title, right of possession, or boundaries of lands, the freedom of a person, the validity of a law, or an ordinance of any corporation, or the right of a corporation to levy tolls or taxes. No judge or justice shall sit in an appellate court, in review of a decision

30. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years, and whose duties, compensation and mode of removal shall be prescrib-

31. Provision may be made under such regulations as may be prescribed by law for the probate of wills, and for the appointment and qualification of personal representatives, guardians, committees and curators, during the recess of the regular sessions of the county

32. A vacancy in the office of the president of the court shall be filled until the next regular election by the justices, all of whom shall be summoned for that purpose. Vacancies in the office of justice of the peace may be filled, until the next regular election, by the county

23. The civil jurisdiction of a justice of the peace shall extend to actions of assumpsit, debt, detinue and trover, if the amount claimed. exclusive of interest, does not exceed one hundred dollars; but where the amount claimed shall exceed twenty dollars, on the application of the defendant, either in person or by counsel, made at any time before trial, it shall be the duty of the Justice of the Peace proper for him to act, the Court shall appoint to transmit the papers in the case to the Clerk of the County Court, to be therein tried. The jurisdiction of Justices of the Peace shall extend throughout their county; they shall be conservators of the peace, and have such jurisd ction and powers in criminal cases as may shall have authority to take the acknowledgment of deeds and other writings, administer oaths, and take and certify depositions. And the Legislature may give to Justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restrictions as may be prescribed by general law; except that in suits to recover money or dama-ges their jurisdiction and powers shall in no

ease exceed one hundred dollars. 34. The Legislature shall, upon the application of any county, re-form, modify or alter the county court established by this Constitution, in such county; and in lien thereof, with the assent of a majority of the voters of said county, voting at any election held for that purpose, create another court, or other tribunals, as well for judicial as for police and fiscal purposes, either separate or combined, which shall conform to the wishes of the county making the application, but with the same powers and jurisdiction herein conferred upon the county court, and with compensation to be made from the county treasury. It two or more adjoining counties shall prefer to unite in the election of a judge to hold a County Court, in their respective counties, they shall, with the assent of a majority of the voters of each of said counties, be authorized, for all the purposes of judicial organization, to do so in the manner and upon the terms above set forth: Provided, That the courts so created shall, in their provisions, be made to conform to the policy of the State, as prescribed in

this Constitution. 35. No citizen of this State who aided or participated in the late war between the Government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process, issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done according to the usages of civilized warfare, in the prosecution of said war, by either of the parties thereto.

The Legislature shall provide by general law for giving full force and effect to this section, by due process of law.

36. Such parts of the common law, and of the laws of this State as are in force when this Constitution goes into operation, and are not repugnant thereto shall be, and continue the law of the State until altered or repealed by more than ten, as nearly equal as may be in the Legislature. All civil and criminal suits territory and population. In each district and proceedings pending in the former Circuit there shall be elected by the voters thereof, Courts of this State shall remain and be proone, and not more than two, Justices of the ceeded in before the Circuit Court of the proper county.

ARTICLE IX. COUNTY ORGANIZATION.

1. The voters of each county shall elect a Surveyor of lands, a Prosecuting Attorney, a Sheriff, and one, and not more than two Assessors, who shall hold their respective offices for the term of four years. 2. There shall also be elected in each dis-

trict of the county, by the voters thereof, one Constable, and if the population of any district shall exceed twelve hundred, an additional Constable, whose term of office shall be four years, and whose powers as such shall extend throughout their county. The Assessor shall, with the advice and consent of the County Court, have the power to appoint one | villages for corporate purposes to assess and

officers, except the Prosecuting Attorneys, shall reside in the county and district for which they shall be respectively elected.

3. The same person shall not be elected Sheriff for two consecutive full terms; nor shall any person, who acted as his deputy, be elected successor to such Sheriff, nor shall any Sheriff act as deputy of his successor; nor shall he during his term of service, or within one year thereafter, be eligible to any other office. The retiring Sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the office of Sheriff shall be performed by him, in person, or under his superintendence.

4. The Presidents of the County Courts. the Justices of the Peace, Sheriffs, Prosecuting Attorneys, Clerks of the Circuit, and of the County Courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and upon conviction thereof, their offices shall become vacant.

5. The Legislature shall provide for commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this Constitution, and may require any class of them to give bond with security, for the faithful discharge of the duties of their respective offices.

6. It shall further provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their deputies and assistants by general

7. The President of the County Court, and every Justice and Constable shall be a conservator of the peace throughout his county.

8. No new county shall hereafter be formed in this State, with an area of less than four hundred square miles; nor with a population of less than six thousand; nor shall any county, from which a new county or part thereof shall be taken, be reduced, in area, below four hundred share miles, nor in population, below six thousand. Nor shall any new county be formed without the consent of a majority of the voters residing within the boundaries of the proposed new county, and voting on the question.

> ARTICLE X. TAXATION AND FINANCE.

1. Taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value; but property used for educational, literary, scientific, religious or charitable purposes; all cemeteries and public property, may, by law, be exempted from taxation .--The Legislature shall have power to tax, by uniform and equal laws, all privileges and

franchises of persons and corporations.

2. The Legislature shall levy an annual capitation tax of one dollar upon each male nhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of Free Schools. Persons afflicted with bodily infirmity may be exempted from this tax.

ney shall be drawn from the Treasury but in pursuance of an appropriation made by law, and on a warrant issued thereon by the Auditor; nor shall any money, or fund, be taken for any other purpose than that for which it has been, or may be, appropriated or provided. A complete and detailed statement of the receipts and expenditures of the public moneys, shall be published annually.

4. No debt shall be contracted by this State, except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war; but the payment of any liability, other than that for the ordinary expenses of the State, shall be equally distributed over a period of at least twenty

5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon. the support of Free Schools and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs, levy a tax for the ensuing year, sufficient, with the other sources of income, to meet such deficiency, as well as the estimated expenses of such year.

6. The credit of the State shall not be granted to, or in aid of any county, city, township, corporation, or person; nor shall the State ever assume or become responsible for the debts or liabilities of any county, city, town, township, corporation or person; nor shall the State ever hereafter become a joint owner or stockholder in any company or association, in this State or elsewhere, formed

for any purpose whatever. 7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed nine-five cents per one hundred dollars valuation, except for the support of Free Schools; payment of indebtednes existing at the time of the adoption of this Constitution; and for the payment of any indebt edness with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate, shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

8. No county, city, School district, or musnicipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five ner centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebteduess, nor without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and the principal thereof, within and not exceeding thirty-four years. Provided, That no debt shall be contracted under this section, unless all questions connected with the same shall have been first submitted to a vote of the people and have received three-fifths of all the votes east for and against the same.

9. The Legislature may by law authorize the corporate authorities of cities, towns and lars; and also in all cases of habeas corpus, or more assistants. Coroners, Overseers of collect taxes; but such taxes shall be uniform

the Poor, and Surveyors of roads, shall be ap- , with respect to persons and property within pointed by the County Court. The foregoing | the jurisdiction of the authority imposing the same

ARTICLE XI.

CORPORATIONS. 1. The Legislature shall provide for the organization of all corporations hereafter to be created, by general laws, uniform as to the class to which they relate; but no corporation shall be created by special law: Provided, That nothing in this section contained shall prevent the Legislature from providing by special laws for the connection by capal of the waters of the Chesapeake with the Ohio river by line of the James river, Green-

brier, New river and Great Kanawha. 2. The stockholders of all corporations and joint stock companies, except banks and banking institutions, created by the laws of this State, shall be liable for the indebtedness of such corporations to the amount of their stock subscribed and unpaid, and no more.

3. All existing charters or grants of special or exclusive privileges under which organization shall not have taken place, or which shall not have been in operation within two years from the time this Constitution takes effect, shall thereafter have no validity or effect whatever: Provided, That nothing herein shall prevent the execution of any bona fide contract heretofore lawfully made in relation to any existing charter or grant in this State.

4. The Legislature shall provide by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal, or to distribute them, on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

5. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or incorperated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

· BANKS. 6. The Legislature may provide, by a general banking law, for the creation and organization of banks of issue or circulation; but the stockholders of any bank hereafter authorized by laws of this State, whether of issue, deposit or discount, shall be personally liable to the creditors thereof, over and above the amount of stock held by them respectively, to an amount equal to their respective shares so held, for all its liabilities accruing while they are such stockholders.

RAILROADS.

7. Every railroad corporation, organized or doing business in this State, shall annually, by their proper officers, make a report, under oath, to the Auditor of Public Accounts of this State, or some other officer to be designated by law, setting forth the condition of their affairs, the operations of the year, and to apply to any work written or thing inventsuch other matters relating to their respective railroads as may be prescribed by law The Legislature shall pass laws enforcing, by suitable penalties, the provisions of this sec-

property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the Legislature shall pass no law exempting any such property from execution and sale. 9. Railroads heretofore constructed, or that

may hereafter be constructed in this State. are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as shall be prescribed by law; and the Legislature shall, from time to time, pass laws applicable to all railroad corporations in the State, establishing reasonable maximum rates of charges for the transportation of passengers and freights, and providing for the correction of abuses, the prevention of unjust discrimination between through and local or way freight and pass senger tariffs; and for the protection of the just rights of the public, and shall enforce such laws by adequate penalties.

10. The Legislature shall, in the law regulating railway companies, require railroads running through, or within a half mile of a town or village containing three hundred or more inhabitants, to establish stations for the accommodation of the trade and travel of said town or village.

11. No railroad corporation shall consolidate its stock, property or franchise, with any other railroad; owning a parallel or competing line, or obtain the possession or control of such parallel or competing line by lease or other contract, without the permission of the

12. The exercise of the power and the right of eminent domain shall never be so construed, or abridged, as to prevent the taking, by the Legislature, of the property and franchises of incorporated companies, already organized, and subjecting them to the public use, the same as of individuals.

ARTICLE XII. EDUCATION.

1. The Legislature shall provide, by general law, for a thorough and efficient system of free schools.

2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature, he shall any expenses, he shall be reimbursed therefor: Provided, The amount does not exceed

five hundred dollars in any one year. 3. The Legislature may provide for County Superintendents, and such other officers as may be necessary to carry out the objects of this article, and define their duties, powers and compensation. 4. The existing permanent and invested

School Fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands, and from lands heretofore sold for taxes and purchased by the State of Virginia; if hereafter redeemed, or sold to others than this State; all grants, devises or bequests that may be made to this State for chargeable thereon for said period. the purpose of education, or where the purpose

ADVERTISING RATES.

TRANSIENT BILLS-CASH.

One square (1 inch or less.) 1 to 3 weeks. \$1.50 Each subsequent insertion. \$50 One square, three months. \$60 One square, three months. \$60 One square, six mouths. \$6.00 One square, one year. \$60 One square, \$60 One year. \$60 One square, \$6

of such grants, devises or bequests are not specified ; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated, and any sums of money, stocks, or property, which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds of the estates of persons who may die without leaving a will of heir, and of all eschea ed lands; the proceeds of any taxes that may be levied on the revenues of any corporation; all moneys that may be paid as an equivalent for exemption from military duty, and such sums as may, from time to time, be appropriated by the Legislature for the purpose, shall be set apart as a separate fund, to be called the "School Fund," and invested under such regulations as may be prescribed by law in the interest bearing securities of the United States, or of this State, or if such interest bearing securities cannot be obtained, then said School Fund shall be invested in such other solvent interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever.— But any portion of said interest remaining unexpended at the close of a fiscal year shall be added to, and remain a part of the capital of the School Fund: Provided, That all

to the State thereon, shall be refunded to the county or district by or for which the same were levied. 5. The Legislature shall provide for the upport of Free Schools by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof, the State capitation tax, and by general taxation on persons and property. or otherwise. It shall also provide for raising, in each county or district, by the authority of the people thereof such a proportion of the amount required for the support of Free Schools therein as shall be prescribed by gen-

taxes which shall be received by the State

upon delinquent lands, except the taxes due

eral laws. 6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

7. All levies that may be laid by any county or district for the purpose of Free Schools shall be reported to the Clerk of the County Court, and shall, under such regulations as may be prescribed by law, be collected by the Sheriff or other collector, who shall make annual settlement with the County Court; which settlements shall be made a matter of record by the Clerk thereof, in a book to be kept for

that purpose.

8. White and colored persons shall not be taught in the same school

9. No person connected with the Free School System of the State, or with any educational institution of any name or grade under State control, shall be interested in the sale; proceeds or profits of any book or other thing sed, or to be used therein, under such penalties as may be prescribed by law; Provided, That nothing herein shall be construed ed by such person.

10. No independent free school district of organization shall hereafter be created, except with the consent of the school district or districts, out of which the same is to be created, expressed by a majority of the voters voting on the question.

11. No appropriation shall hereafter be made to any State Normal School or branch thereof, except to those 'already established'; and in operation, or now chartered.

12. The begislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning ns the best interests of general education in the State may demand.

ARTICLE XIII.

LAND TITLES. 1. All private rights and interests in lands in this State derived from or under the laws of the State of Virginia, and from or under the Constitution and laws of this State prior to the time this Constitution goes into opera tion, shall remain valid and secure; and shall be determined by the laws in force in Virt ginia, prior to the formation of this State, and by the Constitution and laws in force in this State, prior to the time this Constitution goes

2. No entry by warrant on land in this State shall hereafter be made. 3. All title to lands in this State, hereto-

fore, forfeited, or treated as forfeited, waste and unappropriated, or escheated to the State of Virginia, or this State, or purchased by either of said States at sales made for the nonpayment of taxes and become irredeemable, or hereafter forfeited or treated as forfeited; or escheated to this State, or purchased by it and become irredeemable, not redeemed, re-leased or otherwise disposed of, vested and remaining in this State, shall be, and is hereby transferred to and vested in any person (other than those for whose default the same may have been forfeited or returned delinquent; their heirs or devisees), for so much thereof as such person has or shall have had actual continuous possession of, under color or claim of title for ten years, and who, or those under whom he claims, shall have paid the State taxes thereon, for any five years during such possession; or if there be no such person, then to any person (other than those for whose default the same may have been forfeited or returned delinquent, their heirs or devisees;) for so much of said land as such persons shall have title or claim to, regularly verived, mediately or immediately from, or under a grant from the Commonwealth of Virginia, or this State, not forfeited, which but for the title forfeited would be valid, and who, or those under whom he claims, has, or shall have paid all State taxes charged or chargeable thereon for five successive years after the year 1865, or from the date of the grant, if it shall have issued since that year; or if there be no such persons as aforesaid, then to any person, (other than those for whose default the same may have been forested or returned delinquent, their beirs of devisees) for so much of said land as such person shall have had claim to and actual continuous possession of, under color of title for any five auccessive years after

(Continual next week)